CIPE JC24
JAN 31 2005
PATENT & TRADEMARK OFFICE

PTO/SB/21 (09-04)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	33

Application Number	09/440,557
Filing Date	November 15, 1999
First Named Inventor	Randolph B. Lipscher
Art Unit	3626
Examiner Name	Robert W. Morgan
Attorney Docket Number	1039-0010

ENCLOSURES *(Check all that apply)*

- [x] Fee Transmittal Form
  - [ ] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
  - [ ] Landscape Table on CD
- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [x] Other Enclosure(s) (please Identify below):

Petition to Expunge under 37 C.F.R. 1.59(b) w/Attachments (31 pages)

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Toler Larson & Abel LLP		
Signature			
Printed name	John R. Schell		
Date	01/31/2005	Reg. No.	50,776

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	E.K. Dougherty		
Typed or printed name	Elise K. Dougherty	Date	01/31/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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OIPE JAN 31 2005 JC24 PATENT & TRADEMARK OFFICE

PTO/SB/17 (10-04)
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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 130.00

Complete if Known	
Application Number	09/440,557
Filing Date	November 15, 1999
First Named Inventor	Randolph B. Lipscher, et al.
Examiner Name	Robert W. Morgan
Art Unit	3626
Attorney Docket No.	1039-0010

METHOD OF PAYMENT *(check all that apply)*

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☑ Deposit Account:

Deposit Account Number: 50-2469

Deposit Account Name: TOLER, LARSON & ABEL, LLP

The Director is authorized to: *(check all that apply)*

☑ Charge fee(s) indicated below ☑ Credit any overpayments

☑ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, **except for the filing fee** to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) ($) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below		Fee Paid
Total Claims		-20** =		X		=
Independent Claims		- 3** =		X		=
Multiple Dependent						=

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for *ex parte* reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130.00
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) ($) 130.00

SUBMITTED BY				(Complete *(if applicable)*)	
Name *(Print/Type)*	John R. Schell	Registration No. *(Attorney/Agent)*	50,776	Telephone	512-327-5515
Signature				Date	1.31.05

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

FEB 0 1 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Randolph B. Lipscher, et al.		
Title:	ELECTRONIC HEALTHCARE INFORMATION AND DELIVERY MANAGEMENT SYSTEM		
App. No.:	09/440,557	Filed:	November 15, 1999
Examiner:	Robert W. Morgan	Group Art Unit:	3626
Customer No.:	34456	Confirmation No.:	3106
Atty. Dkt. No.:	1039-0010		

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

PETITION TO EXPUNGE UNDER 37 CFR 1.59(B)

Dear Sir:

Petitioners respectfully submit this Petition to expunge information unintentionally submitted in the above-referenced Application.

02/03/2005 CNGUYEN 00000019 502469 09440557
01 FC:1463 200.00 DA

CERTIFICATE OF TRANSMISSION/MAILING
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents on 1-31-05.

Elise K. Dougherty — Typed or Printed Name
E. K. Dougherty — Signature

REMARKS

On December 28, 2004, a Response to a non-final office action dated September 28, 2004 was filed by facsimile in the above-referenced Patent Application. A copy of the submitted facsimile is attached.

Petitioners intended to submit a facsimile including 17 pages (including the cover page) as noted on the cover page. The Response included 16 pages as noted on the Transmittal Form.

However, an additional 9 pages were unintentionally submitted at the end of the facsimile. The additional 9 pages (pages 18-26 of the attached facsimile) are documents of an unrelated draft patent application in an unrelated technology area and these pages are not material to the present application. As such, the information is not material under 37 C.F.R. 1.56. Petitioners petition to expunge pages 18-26 of the attached facsimile from the above-referenced Patent Application.

Failure to expunge the additional 9 pages would do irreparable harm to the person who submitted the information and may cause irreparable harm to the party in interest on whose behalf the information was unintentionally submitted. Failure to expunge the information may cause irreparable harm to the reputation of Toler Larson & Abel, LLP and may lead to legal action by our clients. The unintentionally submitted information has not otherwise been made public.

Petitioners respectfully request return of the unintentionally submitted information. Petitioners have stated that the information (pages 18-26 of the attached facsimile) was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information. The information has not otherwise been made public. Petitioners commit to retain such information for the period of any patent with regard to which such information is submitted. The information is not material under 37 C.F.R. 1.56. The petition fee as set forth in 37 C.F.R. 1.17(h) is included by deposit account authorization. Therefore, Petitioners respectfully submit that the conditions for expunging the unintentionally submitted information have been met. Petitioners respectfully request return of the

unintentionally submitted information and that unintentionally submitted information be expunged from the file including the image file wrapper.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

1.31.05
Date

John R. Schell, Reg. No.: 50,776
Agent for Applicant(s)
TOLER, LARSON & ABEL, L.L.P.
5000 Plaza On The Lake, Suite 265
Austin, Texas 78746
(512) 327-5515 (phone)
(512) 327-5452 (fax)

Auto-Reply Facsimile Transmission

FILE

TO: Fax Sender at 5123275452

Fax Information
Date Received: 12/28/2004 4:31:24 PM [Eastern Standard Time]
Total Pages: 26 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received Cover Page =======>

DEC. 28. 2004 3:28PM T&A 512-327-5452 NO. 642 P. 1

TOLER LARSON & ABEL

FACSIMILE COVER SHEET

DATE: December 28, 2004

TO: Examiner Robert W. Morgan **FAX NO.:** 703-872-9306
USPTO GPAU 3626

FROM: John R. Schell
Reg. No.: 50,776

RE U.S. App. No.: 09/440,557, filed November 15, 1999

Applicant(s): Lipscher et al.

Atty Dkt No.: 1039-0010

Title: ELECTRONIC HEALTHCARE INFORMATION AND DELIVERY MANAGEMENT SYSTEM

NO. OF PAGES (including Cover Sheet): 17

MESSAGE:

Attached please find:

☒ Transmittal Form (1 pg)
☒ Response to Office Action (15 pgs)

DOCKETED
DATE: 12/30/2004
BY: VSM

5000 Plaza On The Lake
Suite 265
Austin, Texas 78746

Tel: (512) 327-5515
Fax: (512) 327-5452
www.tlh-law.com

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* * * COMM. .CATION RESULT REPORT (DEC. 28. 20. 3:34PM) * * *

FAX HEADER: TL&A 512-327-5452

TRANSMITTED/STORED : DEC. 28. 2004 3:28PM FILE MODE	OPTION	ADDRESS	RESULT	PAGE
642 MEMORY TX		17038729306	OK	26/26

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-2) BUSY
E-3) NO ANSWER
E-4) NO FACSIMILE CONNECTION

TOLER LARSON & ABEL LLP

FACSIMILE COVER SHEET

DATE: December 28, 2004

TO: Examiner Robert W. Morgan **FAX NO.:** 703-872-9306
USPTO GPAU 3626

FROM: John R. Schell
Reg. No.: 50,776

RE U.S. App. No.: 09/440,557, filed November 15, 1999

Applicant(s): Lipscher et al.

Atty Dkt No.: 1039-0010

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NO. OF PAGES (including Cover Sheet): 17

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☒ Response to Office Action (15 pgs)

5000 Plaza On The Lake
Suite 265
Austin, Texas 78746

Tel: (512) 327-5515
Fax: (512) 327-5452
www.tla-law.com

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TOLER
LARSON
& ABEL, LLP

FACSIMILE COVER SHEET

DATE: December 28, 2004

TO: Examiner Robert W. Morgan **FAX NO.:** 703-872-9306.
USPTO GPAU 3626

FROM: John R. Schell
Reg. No.: 50,776

RE U.S. App. No.: 09/440,557, filed November 15, 1999

Applicant(s): Lipscher et al.

Atty Dkt No.: 1039-0010

Title: ELECTRONIC HEALTHCARE INFORMATION AND DELIVERY MANAGEMENT SYSTEM

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5000 Plaza On The Lake
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AUSTIN, TEXAS 78746

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission: 16

Application Number	09/440,557
Filing Date	11/15/1999
First Named Inventor	Randolph B. Lipscher
Art Unit	3626
Examiner Name	Robert W. Morgan
Attorney Docket Number	1039-0010

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☑ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
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- ☐ Licensing-related Papers
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- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please identify below):

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Toler Larson & Abel LLP		
Signature			
Printed name	John Schell		
Date	12/28/2004	Reg. No.	50,776

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Signature			
Typed or printed name	Laura Andre	Date	12/28/2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Randolph B. Lipscher, et al.		
Title:	ELECTRONIC HEALTHCARE INFORMATION AND DELIVERY MANAGEMENT SYSTEM		
App. No.:	09/440,557	Filed:	November 15, 1999
Examiner:	Robert W. Morgan	Group Art Unit:	3626
Customer No.:	34456	Confirmation No.:	3106
Atty. Dkt. No.:	1039-0010		

MS NON-FEE AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Dear Sir:

In response to the Office Action mailed September 28, 2004, please amend the above-identified application as follows:

Claim Amendments:

This listing of claims will replace all prior versions, and listings, of claims in the application:

In the claims, please amend the claims as follows. A version of the claims is included below in accordance with the proposed amendments to 37 C.F.R. 1.121.

Please amend the claims as follows:

1. (*Canceled*).

2. (*Previously presented*) A computer system for displaying targeted healthcare advertisements to a computer user comprising:

a. an advertising selecting computer;

b. a device for enabling entry of healthcare related information into the system;

c. a database for storing the healthcare related information and advertising information connected to the advertising selecting computer; and

d. a communications network for transmitting the healthcare related information from the device to the advertising selecting computer for storage in the database, wherein the advertising selecting computer compares the healthcare related information to the advertising information and selects advertising information for display at the device, the advertising selecting computer transmitting via the communications network a pharmaceutical advertisement associated with the advertising information to the device for display and, in response to the computer user selecting the displayed pharmaceutical advertisement, a prescription form is automatically populated.

3. *(Original)* The system of claim 2 wherein the healthcare related information comprises information received from a healthcare group consisting of healthcare providers, patients, healthcare service organizations, pharmaceutical companies,

healthcare product and service vendors, pharmacies, medical facilities, healthcare information services, medical record databases, government agencies, non-profit organizations, health research organizations and billing companies.

4. *(Previously presented)* The system of claim 2 further comprising a database of stored non-healthcare related information connected to the advertising selecting computer wherein the advertising selecting computer compares the healthcare related information and the non-healthcare information to the advertising information and selects advertising information for display to the user that is related to the non-healthcare information.

5. *(Previously presented)* The system of claim 2 wherein the device is a wireless portable computer device.

6. *(Previously presented)* The system of claim 2 wherein the device is selected from the group consisting of web TV devices, personal digital assistant devices, personal computers, handheld portable computers, wireless telephone devices and wireless personal access devices.

7. *(Previously presented)* The system of claim 3 further comprising the advertising selecting computer constructs a medical record for a patient using healthcare information selected from at least one of the healthcare group and transmits the medical record via the communications network to the computer user.

8. *(Cancelled)*

9. *(Currently amended)* The system of claim 2 wherein automatically populating a prescription form includes initializing parameters of the prescription ~~from~~ form to values based on patient medical information.

10. *(Canceled)*

11. *(Previously presented)* The system of claim 2 further comprising the advertising selecting computer calculates a revenue amount to be paid to a healthcare provider for using the computer system.

12. *(Previously presented)* The system of claim 2 further comprising the advertising selecting computer calculates a revenue amount to be paid to a healthcare provider for referring patients to a health information website.

13. *(Original)* The system of claim 2 wherein the communications network is selected from the group consisting of a global communications network, a wide area network, a local area network, a wireless telephone network, a satellite network, an interactive television network and a cable network.

14 -24. *(Canceled)*

25. *(Previously presented)* A computer implemented method for managing health related information comprising:

a. using patient medical information and healthcare provider information collected from at least one of a plurality of sources;

b. selecting a healthcare product advertisement for display to a computer user based on the patient medical information and healthcare provider information;

c. transmitting the product advertisement to a computer user for display; and

d. in response to selection of the product advertisement, automatically populating a healthcare product order form.

26. *(Previously presented)* The method of claim 25 wherein the plurality of sources are selected from the group consisting of health care provider information, patient medical records, patient prescription records, patient entered information, medical test ordering and test result records, and health information.

27. *(Previously presented)* The method of claim 25 wherein the product advertisement comprises a pharmaceutical advertisement.

28. *(Original)* The method of claim 25 wherein at least one of the plurality of sources comprises collected user entered data and user actions as a user navigates through an electronic web page display.

29. *(Previously presented)* The method of claim 27 wherein the pharmaceutical advertisement is for a drug.

30. – 32. *(Canceled)*

33. *(Previously presented)* The method of claim 25 wherein populating a healthcare product order form includes initializing parameters of a prescription to values based on the patient medical information.

34. *(Previously presented)* The method of claim 33 further comprising sending the prescription to a patient-selected pharmacy.

35. *(Original)* The method of claim 34 further comprising if the prescription contains at least one refill, at least one prescription refill is not sent to the patient-selected pharmacy and is electronically stored for the patient.

36. *(Original)* The method of claim of claim 35 wherein the electronically stored prescription refill is sent to the patient-selected pharmacy upon request of the patient.

37. *(Previously presented)* The method of claim 29 further comprising:

a. the patient medical information includes drugs the patient is allergic to; and

b. in the selecting step, filtering pharmaceutical advertisements for drugs the patient is allergic to prior to display.

38. *(Previously presented)* The method of claim 37 wherein filtering comprises not displaying the pharmaceutical advertisements.

39. *(Previously presented)* The method of claim 37 wherein filtering comprises displaying the pharmaceutical advertisements with a warning.

40. *(Previously presented)* The method of claim 29 further comprising:

a. the patient medical information includes drugs for which the patient has had adverse reactions; and

b. in the selecting step, filtering pharmaceutical advertisements for drugs the patient has had adverse reactions.

41. *(Previously presented)* The method of claim 29 further comprising:

a. the patient medical information includes drugs selected from the group consisting of drugs for which the patient has had an adverse reaction, drugs in the same class as drugs for which the patient has had an adverse reaction, drugs for which the patient's family has a history of adverse reactions, drugs for which genetic profiling has indicated the patient may have an adverse reaction, and drugs which may interact adversely with drugs the patient is currently taking; and

b. in the selecting step, determining pharmaceutical advertisements for drugs from the group and filtering said pharmaceutical advertisements.

42. *(Previously presented)* The method of claim 41 wherein filtering comprises not displaying the pharmaceutical advertisements.

43. *(Previously presented)* The method of claim 41 wherein filtering comprises displaying the pharmaceutical advertisement with a warning.

44. *(Previously presented)* The method of claim 29 further comprising:

a. the patient medical information includes drugs the patient is currently taking; and

b. in the selecting step, filtering pharmaceutical advertisements for drugs that are not included in the formulary of the patient's insurance company.

45. *(Original)* The method of claim 29 further comprising prioritizing pharmaceutical advertisement display order according to an amount of revenue received for displaying each pharmaceutical advertisement.

46. *(Original)* The method of claim 29 further comprising prioritizing pharmaceutical advertisement display order according to an amount of revenue received for displaying pharmaceutical advertisements for pharmaceuticals from a selected company.

47 -63. *(Canceled)*

64. *(Previously presented)* A computer-implemented method of displaying targeted healthcare product information, the method comprising:

a. using stored medical information from a plurality of sources comprising:

i. for a selected patient, a patient's medical history;

ii. healthcare provider information;

iii. prescription writing habits of a healthcare provider;

b. associating the medical information from the at least one of the plurality of sources with stored healthcare advertisement information to select a healthcare advertisement for display to a user that is related to the at least one of the plurality of sources;

c. transmitting the healthcare advertisement for electronically displaying to the user; and

d. in response to selection of the healthcare advertisement, automatically populating a healthcare product order form.

65. *(Original)* The system of claim 64 wherein the patient's medical history comprises information selected from the group consisting of patient history and examination information, patient test results information, patient prescription information, patient-entered information and other information relating to medical condition of the patient.

66.- 72. *(Canceled)*

73. *(Original)* A software program embodied on a computer-readable medium incorporating the method as recited in claim 25.

74 - 76. *(Canceled)*

77. *(Previously presented)* A software program embodied on a computer-readable medium incorporating the method as recited in claim 64.

78. *(Canceled)*

79. *(Previously presented)* A computer-implemented method for preparing a prescription, the method comprising:

providing a pharmaceutical advertisement to an interface device; and

populating a prescription form based on selection of the pharmaceutical advertisement via the interface device.

80. *(Previously presented)* The method of claim 79, wherein populating the prescription form includes initializing prescription parameters.

81. *(Previously presented)* The method of claim 80, wherein prescription parameters are selected from the group consisting of dosage, frequency, form and duration.

82. *(Previously presented)* The method of claim 80, wherein the prescription parameters are determined based on information associated with a patient.

83. *(Previously presented)* The method of claim 82, wherein the information associated with the patient includes data associated with patient weight.

84. *(Previously presented)* The method of claim 79, wherein populating the prescription form includes providing a treatment regimen.

85. *(Previously presented)* The method of claim 84, wherein the treatment regimen includes strength, quantity, method of delivery, frequency, and duration of treatment.

86. *(Previously presented)* The method of claim 79, further comprising crediting a healthcare provider account based on selection of the pharmaceutical advertisement.

87. *(Previously presented)* The method of claim 79, further comprising receiving patient medical data from the interface device.

88. *(Previously presented)* The method of claim 87, wherein the patient medical data includes data associated with a patient condition.

89. *(Previously presented)* The method of claim 87, wherein providing the pharmaceutical advertisement is based on the patient medical data.

90. *(Previously presented)* A computer system comprising:

a processor; and

storage accessible by the processor, the storage including:

program instructions operable by the processor to provide a pharmaceutical advertisement to an interface device; and

program instructions operable by the processor to populate a prescription form based on selection of the pharmaceutical advertisement via the interface device.

91. *(Previously presented)* A computer system for displaying targeted healthcare advertisements comprising:

a. an advertising selecting computer;

b. a device for enabling entry of healthcare related information into the system;

c. a database for storing the healthcare related information and advertising information, the database connected to the advertising selecting computer; and

d. a communications network for transmitting the healthcare related information from the device to the advertising selecting computer for storage in the database, wherein the advertising selecting computer compares the healthcare related information to

the advertising information and selects a pharmaceutical advertisement for display at the device, the advertising selecting computer transmitting via the communications network the pharmaceutical advertisement to the device for display and, in response to a computer user selecting the displayed pharmaceutical advertisement, a prescription is initiated based on the healthcare related information.

92. *(Previously presented)* A computer implemented method for managing health related information, the method comprising:

a. using patient medical information and healthcare provider information collected from at least one of a plurality of sources;

b. selecting a healthcare product advertisement for display to a computer user based on the patient medical information and healthcare provider information;

c. transmitting the product advertisement to a computer user for display; and

d. in response to selection of the product advertisement, automatically initiating a healthcare product order based on the patient medical information.

REMARKS

Claim 2-7, 9, 11-13, 25-29, 33-46, 64-65, 73, 77, and 79-92 are pending in the Application. Claims 1, 8, 10, 14-24, 30-32, 47-63, 66-72, 74-76, and 78 have been canceled.

1. Claims 2-5, 7, 9, 25-29, 33-44, 64-65, 73, 77, 91, and 92, were rejected under U.S.C. §103(a) as being unpatentable over US. Patent No. 6,385,592 to Angles et al. and U.S. Patent No. 6,018,713 to Coli et al. in view of U.S. Patent No. 5,845,255 to Mayaud.

The claimed invention is drawn to a computer system for displaying targeted healthcare advertisements to a computer user and methods for displaying managing healthcare information and displaying targeted healthcare advertisements. In claim 2, the computer system includes an advertising selecting computer, a device for enabling entry of healthcare related information into the system, a database for storing the healthcare related information and advertising information connected to the advertising selecting computer and a communications network for transmitting the healthcare related information from the device to the advertising selecting computer for storage in the database. The advertising selecting computer compares the healthcare related information to the advertising information and selects advertising information for display at the device. The advertising selecting computer transmits via the communications network a pharmaceutical advertisement associated with the advertising information to the device for display and, in response to the computer user selecting the displayed pharmaceutical advertisement, a prescription form is automatically populated.

Regarding claim 25, a method includes using patient medical information and healthcare provider information collected from at least one of a plurality of sources, selecting a healthcare product advertisement for display to a computer user based on the patient medical information and healthcare provider information, transmitting the product advertisement to a computer user for display, and, in response to selection of the product advertisement, automatically populating a healthcare product order form. Claim 73 is directed to a software program embodied on computer-readable medium incorporating the above method.

Regarding claim 64, a method includes, in response to selection of the healthcare advertisement, automatically populating a healthcare product order form. Claim 77 is directed to a software program embodied on computer-readable medium incorporating the method of claim 64.

Claim 90 is directed to a computer system including storage including program instructions operable by a processor to populate a prescription form based on selection of a pharmaceutical advertisement via an interface device. Regarding claim 91, a computer system includes, in response to a computer user selecting the displayed pharmaceutical advertisement, a prescription is initiated based on the healthcare related information. Regarding claim 92, a method includes, in response to selection of the product advertisement, automatically initiating a healthcare product order based on the patient medical information.

The PTO appears to rely on Angles et al. for the computer architecture of claim 2, but acknowledges that Angles et al. fails to teach entry of healthcare related information, fails to teach the advertising computer transmitting a pharmaceutical advertisement to the device for display via the communication network, and fails to teach, in response to the computer user selecting the displayed pharmaceutical advertisement, a prescription form is automatically populated. The PTO appears to rely on Coli et al. to teach entry of healthcare related information and the advertising computer transmitting a pharmaceutical advertisement to the device for display via the communication network. However, the PTO acknowledges that Angles et al. and Coli et al. fail to teach or suggest, in response to the computer user selecting the displayed pharmaceutical advertisement, a prescription form is automatically populated.

Accordingly, the PTO turns to Mayaud and, in the Office Action, the PTO appears to equate a list of formulary drugs with a pharmaceutical advertisement. However, Mayaud provides an explicit definition of formulary. As used in Mayaud, the term "drug formulary" refers to a list of preferred drugs contained in a drug benefits plan issued by a drugs benefit provider to a given patient (Mayaud col. 1, ll. 59-61). In contrast, an advertisement is defined by the Cambridge Dictionary of American English as a paid notice that tells people about a product or service. A formulary is clearly not an advertisement.

As acknowledged, Angles et al. and Coli et al. fail to teach or remotely suggest in response to the computer user selecting the displayed pharmaceutical advertisement, a prescription form is automatically populated. Mayaud fails to overcome this deficiency.

For at least the foregoing reasons, Applicants respectfully submit that the claimed invention would not have been obvious over Angles et al. and Coli et la. in view of Mayaud. According, reconsideration of this rejection is respectfully requested.

2. Claims 6, 11-13 and 45-46 were rejected under U.S.C. §103(a) as being unpatentable over US. Patent No. 6,385,592 to Angles et al. and U.S. Patent No. 6,018,713 to Coli et al. and U.S. Patent No. 5,845,255 to Mayaud in view of Official Notice.

As described above, Angles et al., Coli et al. and Mayaud fail to teach or remotely suggest alone or in combination the claimed invention. Official Notice fails to overcome the deficiencies described above.

For at least the reasons provided above, Applicants respectfully submit that the claimed invention would not have been obvious over Angles et al. and Coli et la. and Mayaud in view of Official Notice. According, reconsideration of this rejection is respectfully requested.

3. Claims 79-85 and 86-89 were rejected under 35 U.S.C §102(a) as being anticipated by U.S. Patent No. 5,845,255 to Mayaud.

Regarding claim 79, a method includes providing a pharmaceutical advertisement to an interface device and populating a prescription form based on selection of the pharmaceutical advertisement via the interface device.

Here again, the PTO appears to rely on a list of formulary drugs to teach a pharmaceutical advertisement. In accordance with the above definitions, a formulary is not an advertisement. As such, Mayaud fails to teach or suggest each and every element of the claimed invention.

For at least the reasons provided above, Applicants respectfully submit that the claimed invention is not anticipated by Mayaud. According, reconsideration of this rejection is respectfully requested.

4. Claims 86 and 90 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,845,255 to Mayaud and U.S. Patent No. 6,385,592 to Angles et al.

As above, the PTO appears to rely on a list of formulary drugs to teach a pharmaceutical advertisement. In accordance with the above definitions, a formulary is not an advertisement. As such, Mayaud fails to teach or remotely suggest each and every element of the claimed invention. Angles et al. fail to overcome the deficiencies of Mayaud.

For at least the reasons provided above, Applicants respectfully submit that the claimed invention would not have been obvious over Mayaud and Angles et al. According, reconsideration of this rejection is respectfully requested.

5. Claim 9 was objected for reciting "from". Claim 9 has been amended to recite "form" and correct the clerical error.

Applicant(s) respectfully submit that the present application is now in condition for allowance. Accordingly, the Examiner is requested to issue a Notice of Allowance for all pending claims.

Should the Examiner deem that any further action by the Applicant would be desirable for placing this application in even better condition for issue, a call to the Applicant's representative listed below is requested.

Applicants do not believe that any additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

12-28-2004
Date

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JAN 31 2005 PATENT & TRADEMARK OFFICE

"Express Mail" mailing label number:

EV _____ US

E-MAIL RESPONSE SYSTEM

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FIELD OF THE DISCLOSURE

[0001] The present disclosure relates generally to an e-mail response system.

BACKGROUND

[0002] In today's environment businesses are often required to respond to a large volume of e-mails and servicing customers utilizing e-mail has become an important part of customer service. E-mail response systems can be specialized computers that are configured to process and recognize text within an e-mail and may also take action or carry out further processes. A goal of an e-mail response system is to determine why a customer is e-mailing a service center.

[0003] E-mail response systems may be required to handle a huge volume of e-mails and, even if a small percentage are not appropriately responded to or inefficiently handled, the costs associated with inefficient administration of e-mails is significant.

[0004] Current speech e-mail response systems operate utilizing a library of predetermined textual strings and compare incoming text within e-mails to try to understand an intent of the e-mailer and provide an appropriate response.

[0005]

[0006] The textual model assigns probabilities to each of the responses using rules and other criteria. Often, an e-mail response will misinterpret the text and provide or suggest a response to the e-mail that is wholly inappropriate. Accordingly, there is a need for an improved e-mail response system.

BRIEF DESCRIPTION OF THE DRAWINGS

[0007] FIG. 1 illustrates a simplified configuration of an e-mail system;

[0008] FIG. 2 is a flow diagram that illustrates a method of processing and routing e-mails;

[0009] FIG. 3 is a table that depicts e-mail text and mapped recognized terms; and

[0010] FIG. 4 is a routing table illustrating various services and recognized action words associated with the services.

DETAILED DESCRIPTION OF THE DRAWINGS

Referring to FIG.1, an illustrated system 100 including an email processing system 118 is depicted. The system 100 includes a communication network 116, an email service support system 118 including one or more interactive email response systems, and a plurality of potential destinations for the email. Illustrated destinations include a billing department 120, a balance information department 122, technical support department 124, available services department 126, and new service department 128. Each department 120-128 is capable of providing different answers to different questions provided by client/customer 110, 112, and 114. Emails can also be routed to email administrator 130. An illustrative embodiment of an email processing system 118 may be an email server having a plurality of terminals monitored by agents, such as the departments 120-128 and email administrator 130. The communication network 116 may be the Internet. Additionally, while only a single email administrator 130 is illustrated, it should be understood that a plurality of different administrators or types of administrators may be coupled to the email processing system 118. In addition to the departments 12-

128 illustrated, additional departments could be utilized or a variety of departments could be utilized to service incoming emails. In a particular embodiment, the emails going through the email processing system may have attachments to provide audio or voice messages to the departments 120-128.

The email processing system 118 may include a processor 142, business rules table 144, text table 140, and memory 143. When a client or customer 110-114 emails a question to the email processing system 118 via the communication network 116, the email processing system can utilize a text table 140 to determine a routing destination for the email. The routing destinations can be the departments 120-130. After an email is effectively routed to the appropriate department by the processor and the text table 140 based on the content of the email, the billing department can be provided with a predetermined reply to the email. In a particular embodiment, if the email processing system can understand the email and provide a reply to the email that has a high confidence level, the email processing system can automatically send an appropriate answer to the client/ customer question via communication network 116. When a confidence level is average to low, the email can be forwarded to the appropriate department where a predetermined list of responses can be provided to the department. The agent who works for the department (not shown) can "point-and-click" a plausible solution to the email. The selectable solutions for the departments can be provided by the business rules table 144. The business rules table 144 can provide selectable responses to the departments based on geographic information and known customer information, such that the selectable responses have a very high probability of being an appropriate response. When an email is received by an agent at one of the illustrated departments, the agent may reply to the email requesting more information or requesting clarification. When the reply to the request for additional information is received, the email processing system may appropriately provide a response or the email may again be routed to a department as shown by departments 120-130. In the event that the email processing system 118 cannot route to an appropriate department, it routes to the email administrator 130 who can further clarify the email and possibly send it to one of the departments 120-

128. Additionally, the email administrator 130 can reply to the client/customer 110 e-mail in a reply e-mail request for additional information.

Referring to FIG. 2, a method of operation that may be used in connection with the system 100 of FIG. 1 is illustrated. The method starts at 200 and proceeds to step 202 where an email is received. At step 204, the received email is compared to text in a text library to determine an appropriate response to an email. Based on the step of comparing, an automatic reply email may be sent to the client, or an appropriate routing of the email to a particular department may be provided. At step 206, the processor can create a list of most probable responses to the received email. Next, based on business rules, a filter can be employed to filter a list of most probable responses based on information known about an customer such as the region where the customer lives or the customer information in the customer's account. At step 210, it is determined whether the confidence level exceeds a predetermined level. If the confidence level does exceed a predetermined level, the system will automatically respond to the email, as shown at step 214. If the confidence level of the auto-email response does not exceed a predetermined level, the system provides an agent with a list of probable email responses in step 212. The agent can then respond to the email in step 214. The process ends at step 216.

[0011]

[0012]

[0013]

[0014]

[0015] A system and method are disclosed for processing incoming e-mails. The word strings of the e-mails are compared to recognized to words or word strings to interpret the intent of the e-mail. When text is recognized a confidence value is assigned to an action that can be taken o the e-mail. The confidence level represents a probability that the text of the e-mail accurately represent the purpose or intent of the caller. If the recognition function has a high confidence level the system may auto reply to the received e-mail. If

the confidence level is lower the e-mail may be routed to an agent in a particular department based on the similarity of the received text to the text in the predetermined text library. A routing destination for the e-mail can be determined based on a routing table. .

[0016] Referring back to FIG. 4, as an example, it is beneficial to convert word strings or text such as "I want to have" to actions such as "get." This substantially reduces the size of the routing table. When a new department is created for processing certain e-mails, a single entry in the routing table may accommodate the change. In accordance with the present system, dozens of differently expressed or differently written requests that have the same intent can be converted to a single detected noun verb combination and routed to a department based on the recognized text.

[0017] The misrouted or mis-answered e-mails can be stored and the system can be improved based on the mis-answered and misrouted e-mails. Further, improper and informal sentences as well as slang can be connected to a noun-verb pair that may not bear textual resemblance to the words written by the e-mailer. The lookup table may be updated easily, leading to a low cost of system maintenance.

[0018] ___

[0019] The above-disclosed subject matter is to be considered illustrative, and not restrictive, and the appended claims are intended to cover all such modifications, enhancements, and other embodiments that fall within the true spirit and scope of the present invention. Thus, to the maximum extent allowed by law, the scope of the present invention is to be determined by the broadest permissible interpretation of the following claims and their equivalents, and shall not be restricted or limited by the foregoing detailed description.

WHAT IS CLAIMED IS:

1. A method of processing e-mail comprising:

receiving an e-mail;

comparing the text in the e-mail to a predetermined list of text;

determining a plurality of responses to the e-mail based on the step of comparing;

determining a confidence level for at least one response; and

filtering the ranked responses based on business rules.

2. The method of claim 1 further comprising forwarding the e-mail to an agent based on the comparison of the text to the list of predetermined text.

3. The method of claim 1 further comprising providing an agent with a list of selectable responses to the received e-mail.

4. The method of claim 1 further comprising providing an automated response if the confidence level exceeds a predetermined level.

5 The method of claim 1 further comprising displaying the confidence level to the agent.

6. The method of claim 1 further comprising gathering additional information about an e-mailer of the e-mail wherein the confidence level of the response is altered based on the additional information.

10. A method of responding to an e-mail comprising:

receiving an email;

creating possible responses to the received e-mail;

ranking the possible responses;

filtering illogical responses to provide a list of acceptable responses.

5 The method of responding to an e-mail further comprising selecting at least one e-mail response from the plurality of e-mail responses

6. The method of responding to an e-mail further comprising ranking the plurality of responses based on a confidence level

1. an e-mail response system comprising:

an e-mail processor configured to process client e-mails with, the e-mail server for receiving text;

memory configured to store a list of keywords;

a processor for comparing at least a portion of the received text to the keywords and assigning confidence values to selected keywords based on the likelihood that the selected keywords represent an intent of the client based on the comparing;

wherein when an assigned confidence level is above a predetermined threshold an automated e-mail reply is sent to the client and when all assigned confidence level are below a predetermined threshold the e-mail is forwarded to an agent.

2. The e-mail response system of claim 1, wherein the processor assigns the confidence level.

3. The e-mail response system of claim 1 wherein the processor compares the confidence levels to the predetermined threshold.

4. The e-mail response system of claim 1 wherein when the assigned confidence level is equal to the predetermined threshold the processor can provide one of routing a reply e-mail to the client and forwarding the e-mail to an agent.

5. The e-mail response system of claim 1 further comprising a display to display a list of possible responses to an agent.

6. The e-mail response system of claim 5 further wherein confidence levels are displayed with the possible e-mail responses.

7. The e-mail response system of claim 5 further comprising a graphical user interface wherein the agent can point and click on the e-mail response and the e-mail response is transmitted to the client.

8. The e-mail response system of claim 1 wherein the predetermined threshold is adjustable.

9. The e-mail response system of claim 1 wherein client information is obtained from the e-mail and stored in the memory.

10. The e-mail response system of claim 9 further comprising a rules table for masking invalid reply e-mails based on client information.

A method of responding to received e-mails comprising:

_____; and

_____.

2. The method of claim **Error! Reference source not found.**, wherein _____.

3. The method of claim **Error! Reference source not found.**, wherein the _____.

3. An apparatus comprising:

ABSTRACT OF THE DISCLOSURE

[0020] _____.